

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
January 7, 2003

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:02 p.m., Tuesday, January 7, 2003, in the Board Room, York Hall, by Chairman Donald E. Wiggins.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. Pastor Lynn Howard, Crossroads Community Church, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Wiggins led the Pledge of Allegiance.

Chairman Wiggins indicated this was the organizational meeting for the Board of Supervisors, and the Board members would be electing a new Chairman and Vice Chairman for the year. He then reflected on the past year, stating it had been very exciting for him because of the things that came to pass in the County. A new ambulance and emergency medical team will be coming to Station 6 in Seaford, and the personnel will be graduating in February. He noted he met with Secretary of Transportation this year, and County staff has had good luck with getting a grant for the Yorktown Riverwalk project. Also, funds for Route 17 North were diverted by the Transportation Department for Route 17 South improvements. He stated the County has accomplished a lot this year, but has to keep its shoulders to the wheel with the tough economic times coming. He also noted he had the privilege of cutting the ribbon on the new YMCA on Saturday, which will provide York County citizens with more of the best life has to offer. The County has wonderful schools, and the Board of Supervisors works hard with the School Board to make sure this level of top-rate education continues. The County's law enforcement officers and public safety team are the best in the state, and the Board is dedicated to seeing that they have the best tools and equipment to do their jobs. The County's tax rate is the lowest in the area, and the citizens demand that it be kept low. Chairman Wiggins spoke of the need to continue supplying the economic development department and IDA with the tools they need to keep businesses coming to York County and helping the existing ones to expand. The County must continue to work with its neighbors to keep tourism alive and well. He also spoke concerning the need for smart development by using more cluster developments and provide for assisted living facilities for citizens who cannot care for themselves. Chairman Wiggins thanked all the Board members for their support during the past year.

**ORGANIZATION OF THE 2003 YORK COUNTY BOARD OF SUPERVISORS**

**ESTABLISH RULES OF PROCEDURE**

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Mr. McReynolds stated there were no recommended changes for the Rules of Procedure by the Board or by the staff, and they are submitted for adoption for 2003 as they currently exist.

Mrs. Noll moved the adoption of proposed Resolution R03-1 that follows:

A RESOLUTION TO ADOPT THE YORK COUNTY BOARD OF SUPERVISORS' RULES OF PROCEDURE FOR 2003

BE IT RESOLVED by the York County Board of Supervisors this 7<sup>th</sup> day of January, 2003, that the following Rules of Procedures be, and they are hereby, adopted for 2003:

YORK COUNTY BOARD OF SUPERVISORS  
As Amended through January 7, 2003

SECTION 1 - MEETINGS

Section 1-1    When and Where Regular Meetings are Held

The time and place of regular meetings of the Board of Supervisors shall be established at each annual meeting. Regular meetings shall be called to order at 7:00 p.m., EST and DST in the Board Room, York Hall, on the first Tuesday of each month, with the exception of the first Tuesday in the months of July and November, and on the third Tuesday of each month. Should the Board subsequently prescribe any meeting time or place other than that initially established, it shall comply with Section 15.2-1416 of the Code of Virginia, as amended.

If the Chairman, or the Vice Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for board members to attend a regularly scheduled meeting, the meeting shall be continued to the following Tuesday at 7:00 p.m. in the Board Room, York Hall. Such finding shall be communicated to the members of the Board and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting, and no further advertisement is required.

Section 1-2    Special Meetings

The Board of Supervisors may hold such special meetings, as it deems necessary, at such times and places as it may find convenient; and it may adjourn from time to time as it may find convenient and/or necessary. As a general rule, no work sessions will be conducted during the months of July or August other than those which may occur at the beginning of a regular meeting. A special meeting of the Board of Supervisors shall be called pursuant to Section 15.2-1416 of the Code of Virginia, as amended.

Section 1-3    Annual/Semi-Annual Meetings

The first meeting held after the newly elected members of the governing body shall have qualified and the first meeting held in the corresponding month of each succeeding year shall be known as the annual meeting; and the first meeting held in the sixth month thereafter shall be known as the semi-annual meeting.

#### Section 1-4 Quorum and Method of Voting

At any meeting a majority of the supervisors shall constitute a quorum. All questions submitted to the Board for decision shall be determined by a viva voce vote of a majority of the supervisors voting on any such question, unless otherwise provided by law. The name of each member voting and how he or she voted must be recorded. The Board of Supervisors has elected not to have a tie breaker as provided for by the Code of Virginia, and a tie vote on any motion shall be considered defeated as provided for in Section 15.2-1420.

#### Section 1-5 Procedure for Roll Call for Board Members

- (1) The Chairman of the Board of Supervisors shall cast the last vote.
- (2) The Members of the Board of Supervisors shall cast votes in district order on a rotating basis.

#### Section 1-6 Members Absenting Themselves from Meeting Prior to Adjournment

After the name of any member of the Board has been recorded as present at any meeting of the Board, the member shall not leave the meeting previous to adjournment unless by consent of the Board.

#### Section 1-7 Board to Sit with Open Doors

The Board of Supervisors shall sit with open doors, and all persons conducting themselves in an orderly manner may attend the meetings. However, the Board may hold closed meetings as provided in the Virginia Freedom of Information Act.

#### Section 1-8 Closed Meetings

A closed meeting shall be held when necessary.

### SECTION 2 - OFFICERS

#### Section 2-1 Election and Term of Chairman and Vice Chairman

At the annual meeting of the Board of Supervisors, the Board shall elect from its membership a Chairman and Vice Chairman, each of whom shall serve for a term of one year expiring on December 31, or until their respective successors shall have been elected. In the case of the absence from any meeting of the Chairman and Vice Chairman, the members present shall choose one of their number as temporary Chairman.

#### Section 2-2 Chair May Administer Oaths

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The Chairman shall have power to administer an oath to any person concerning any matter submitted to the Board or connected with its powers and duties.

Section 2-3 Clerk

The Clerk of the Board shall be the County Administrator, whose duties and responsibilities shall be those set forth in State law or delegated by the Board of Supervisors.

Section 2-4 Parliamentarian

The County Attorney shall serve as the Parliamentarian.

Section 2-5 Preservation of Order

At meetings of the Board, the presiding officer shall preserve order and decorum.

SECTION 3 - CONDUCT OF BUSINESS

Section 3-1 Order of Business

At regular meetings of the Board, the order of business shall be as follows:

- (a) Call to Order
- (b) Invocation
- (c) Pledge of Allegiance
- (d) Roll Call of Members
- (e) Highway Matters
- (f) Presentations
- (g) Citizens Comment Period
- (h) Reports, Requests, and Recommendations of the County Attorney
- (i) Reports, Requests, and Recommendations of the County Administrator
- \* (j) Matters Presented by the Board
- (k) Public Hearings (8:00 p.m.)
- (l) Unfinished Business
- (m) Consent Calendar
- (n) New Business
- (o) Closed Meeting

\*This time is generally used for individual Board members to share information with other members of the Board and the public. Items presented under this heading requiring action will be for future agenda items or for additional information from staff members only. No item presented under this heading or at any point during the meeting will be acted upon at the meeting at which presented unless it is with the unanimous consent of the Board that the item be put on the floor for action. However, such item shall be scheduled for Board action at a subsequent meeting within a reasonable period of time based upon a majority consent of the Board or unless withdrawn by the advocate Board member.

Prior to the agenda being prepared, a member of the Board may contact the Clerk and have an item included under this heading. The County Administrator shall prepare a memorandum which will inform other members of the Board of the particulars pertaining to this item.

#### Section 3-1.1 Consent Calendar

The Consent Calendar shall be introduced by a motion "To approve the Consent Calendar," and shall be considered by the Board as a single item.

There shall be no debate or discussion by any member of the Board regarding any item on the Consent Calendar, beyond asking questions for simple clarification.

On objection by any member of the Board of Supervisors to the inclusion of any item on the Consent Calendar, that item shall be removed from the Consent Calendar forthwith. Such objection may be recorded at any time prior to voting on the motion to approve the Consent Calendar. All such items shall be considered individually, in the order in which they were objected to, immediately following consideration of the Consent Calendar.

Approval of the motion to approve the Consent Calendar shall constitute approval, adoption, or enactment of each motion, resolution, ordinance, or other item of business thereon, exactly as if each had been acted upon individually.

#### Section 3-2 Manner of Addressing Board Generally; Speaking Only on Question Before Board

- (1) Any person, including Board members, who speaks to the Board shall address the Chair and shall confine comments to the question before the Board.
- (2) No person in attendance at a meeting of the Board shall be permitted to address the Board while the members are considering any motion, resolution or ordinance preliminary to a vote on the same, except at the discretion of the Chair.
- (3) During those times when the public is addressing the Board, the Chair shall appoint a timekeeper who shall notify speakers and the Board that the allotted time for addressing the Board has expired. Speakers shall conclude their remarks at that time unless the consent of the Board is affirmatively given to extend the speaker's allotted time.
- (4) All presentations to the Board shall normally be limited to no more than 10 minutes, except as hereinafter provided.

#### Section 3-3 Use of Offensive Language or Gestures; Sectarian or Political Discussion

No member of the Board shall in debate at any meeting of the Board use any language or gesture calculated to offend or insult another member. No discussion of a sectarian or partisan character shall be allowed at meetings of the Board.

#### Section 3-4 Priority in Speaking to Board

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When two or more members of the Board wish to speak at the same time, the Chairman shall name the one to speak.

Section 3-5 Speaking More than Once on Same Subject

In any debate before the Board, no member of the Board shall speak more than once on the same question until all the others have spoken who desire to do so, nor more than twice on the same question, unless by consent of the Board.

Section 3-6 Form of Petitions, etc.

Every petition, communication, or address to the Board shall be in respectful language and, except in cases where it is otherwise allowed, shall be in writing.

Section 3-7 Motions

No proposition shall be entertained by the Chairman until a motion for the same has been duly made. No motion shall require a second. The Chairman may make a motion without vacating the Chair.

Section 3-8 Decision on Points of Order

The Chairman, when presiding at a meeting of the Board, without vacating the Chair, may give reasons for any decision made by the Chair on any point of order, and such decision shall be made without debate.

Section 3-9 Same; Appeal to Board

Any member of the Board may appeal to the Board from the decision of the Chairman on any question of order, a majority vote of those present being necessary to over-rule the Chairman.

Section 3-10 Motion to Adjourn

At a meeting of the Board, a motion to adjourn shall be always in order and shall be decided without debate.

Section 3-11 Motions While a Question is Under Debate

When a question is under debate at a meeting of the Board, no motion shall be received unless it be one to amend, to commit or refer to a committee, to postpone, to ask for the previous question, to make a substitute motion, to lay on the table, to recess, or to adjourn.

Section 3-12 Reconsideration of Motions, etc., Upon Which Vote Has Been Announced

At any meeting of the Board, when any vote upon any motion, resolution, ordinance, or question has been announced, it may be reconsidered on the motion of any member who voted with the prevailing side, provided that such motion shall be made at the session of the Board at which it was decided. Such motion shall be decided by a majority of the votes of the members present, unless a greater number of votes was required to pass the measure, in which event the motion to reconsider shall not prevail, except upon the vote of as great a number of members as was required to pass the measure.

For the purpose of this Section, "session" shall include any adjourned or special meeting occurring prior to the next Regular Meeting.

#### Section 3-13 Suspending Rules

The rules of the Board may be suspended with the unanimous concurrence of the members present.

#### Section 3-14 Robert's Rules of Order

The proceedings of the Board, except as otherwise provided in the Rules of Procedure and by applicable State law, shall be governed by Robert's Rules of Order.

### SECTION 4 - PUBLIC HEARINGS

#### Section 4-1 Speakers

At every public hearing, speakers wishing to address the Board shall clearly state their name and address. All speakers, except as hereinafter provided, shall limit their remarks to three (3) minutes. Speakers may not yield any unused portion of their speaking time to others. Staff presentations should be concise and normally limited to no more than ten (10) minutes except when necessary to properly inform the public of the issue before the Board. The applicant in a land use case or his/her representative(s) shall be allowed a maximum of ten (10) minutes to present their case. Each speaker shall be limited to one appearance at each public hearing, except at the discretion of the Chair, and only after all other speakers have been given an opportunity to be heard on the subject being considered.

The order of business for public hearings shall be:

- staff presentation
- applicant's presentation (if any)
- public comments

#### Section 4-2 Members' Participation

Board members shall limit their comments in public hearings to insure participation by the public without Board interference.

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Section 4-3 Close of Hearing

When a public hearing shall have been closed by the order of the Chairman of the Board, no further public comments are in order.

SECTION 5 - AGENDA

Section 5-1 Preparation

The Clerk shall prepare an Agenda for each regular meeting conforming to the order of business specified in Section 3-1 under Order of Business. Except as permitted at the discretion of the Clerk, every item to be placed on the Agenda shall be received in the Office of the County Administrator before the close of the work day on the Thursday two weeks prior to any regular meeting of the Board. Prior to publication of the agenda, the Clerk shall coordinate recommended agenda subjects for approval with the Chairman, or with the Vice Chairman in the Chairman's absence.

Section 5-2 Delivery

The agenda shall be received by each member of the Board and the Attorney to the Board at least 48 hours prior to the meeting.

Section 5-3 Posting

A copy of the Agenda shall be posted on the door to York Hall at least 48 hours prior to the meeting.

Section 5-4 Copies

The Clerk to the Board shall prepare or cause to be prepared extra copies of the Agenda and shall make the same available to the public in the Office of the County Administrator at the same time the Agenda is posted pursuant to Section 5-3. The Clerk shall also have copies available at each meeting.

Section 5-5 Request to Appear Before the Board of Supervisors

Any citizen (individual, firm, association, or corporation) desiring to appear before the Board of Supervisors shall make a request to the Clerk or the Clerk's designee and receive approval; however, no written application or approval shall be required in order to speak to the Board during Citizens Comment Period or at public hearings.

Section 5-5.1 Citizens Comment Period

During Citizens Comment Period, speakers wishing to address the Board shall clearly state their name and address. Unless approved by the Chairman, or by the Vice Chairman in the Chairman's absence, only York County citizens or persons who own property or businesses in the County shall be allowed to address the Board during the Citizens Comment Period. Speakers shall limit their remarks to three (3) minutes and may not yield any unused portion of their speaking time to others. Each speaker shall be limited to one appearance at each Regular Meeting of the Board. Speakers shall be limited to speaking on the same subject not more than three times within any 12-month period.

## SECTION 6 - GENERAL CONDUCT AND DECORUM

### Section 6-1    Conduct of Public

The efficient and dignified conduct of public business is the ultimate concern of the Board. Accordingly, it is the policy of the Board that its meetings be conducted with the highest degree of order and decorum. The Board's integrity and dignity will be established and maintained at all times during the conduct of public business, and the Board will permit no behavior which is not in keeping with this policy. The soliciting of funds, the use of abusive or profane language, personal attacks on Board members, the failure to comply with time limits on speakers, or other forms of offensive conduct will not be tolerated. The Chairman will maintain proper order at all times during all meetings of the Board and shall effect the removal from any meeting of any person guilty of offensive conduct if the offending party fails or refuses to cease such conduct.

### Section 6-2    Board Action; effect

The Board of Supervisors is charged with administering County functions. Primary among these many functions is making policy with majority vote required to effect policy implementation.

The County Administrator is employed by the Board to supervise the execution of County functions in the interim between meetings of the Board. The County Administrator may be delegated as much or as little authority as the governing body desires.

The Board of Supervisors bears the responsibility for successful operation of County government and its functions. Each supervisor is responsible for knowing Board policy and its intent.

The Chairman of the Board of Supervisors is directly responsible for overseeing the implementation of policy by the County Administrator and ensuring that implementation is consistent with the spirit and intent of the Board's actions. In the event that an action or actions may be necessary without the ready consensus of the Board, the Chairman shall have the discretion to authorize the County Administrator to take interim measures until the Board can meet and make any necessary decision.

On roll call the vote was:

Yea:	(5)	Zaremba, Noll, Burgett, Shepperd, Wiggins
Nay:	(0)	

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## ELECTION OF CHAIRMAN

Mr. Shepperd nominated James S. Burgett for election to the office of Chairman of the Board for 2003.

Mrs. Noll moved that the nominations for the office of Chairman of the Board be closed.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins  
Nay: (0)

Mrs. Noll then moved that James S. Burgett be elected as Chairman of the York County Board of Supervisors for 2003.

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins  
Nay: (0)

## ELECTION OF VICE CHAIRMAN

Mr. Zaremba nominated Thomas G. Shepperd, Jr., for election to the office of Vice Chairman of the Board of Supervisors.

Mrs. Noll moved that the nominations for the office of Vice Chairman of the Board be closed.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Burgett  
Nay: (0)

Mr. Wiggins then moved that Thomas G. Shepperd, Jr., be elected as Vice Chairman of the York County Board of Supervisors for 2003.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett  
Nay: (0)

## CITIZENS COMMENT PERIOD

No one appeared to speak before the Board at this time.

## COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett indicated he had attended the monthly meeting of the Yorktown Trustees last night, and the Trustees acted affirmatively on four items concerning the waterfront development. They voted to adopt a revised waterfront development master plan; they authorized their Chair to sign documents to accomplish a boundary line adjustment to accommodate the waterfront restaurant; they voted to vacate that portion of Martiau Street extended that has not operated as a public street for some time and runs through Nick's Restaurant parking lot; and they also agreed to vacate, for payment of the appraised value, a 19 ½-foot easement acquired some years ago. He stated the Board will have to approve the revised agreement. Mr. Barnett noted there has also been some interest by the General Assembly in legislation dealing with pawn shops. He stated he hopes to confirm with a member of the General Assembly that draft legislation concerning record keeping by pawn shops can still be submitted for this year's consideration.

### **COUNTY ADMINISTRATOR REPORTS AND REQUESTS**

Mr. McReynolds wished everyone a Happy New Year. He stated the Board has a very busy schedule for the next few months. On Tuesday, January 14, there will be a joint meeting with the School Board at the Tabb Middle School Library at 7:00 p.m., and January 21 is the Board's next regular meeting. A work session is scheduled for January 28 for presentation of the 2004-2009 Capital Improvements Program. Mr. McReynolds then noted that the Board had initially been requested to place the subject of the Secondary Road Plan on that same agenda, but the date is not convenient for the VDOT personnel, and he asked that it be placed on the February 11 work session agenda when the Board meets to further discuss the CIP.

By consensus the Board directed that the subject of the Secondary Road Plan be placed on its February 11 work session agenda.

### **MATTERS PRESENTED BY THE BOARD**

Mrs. Noll congratulated the new Chairman and congratulated new School Board Chairman Barbara Hayward and Vice Chairman Mark Medford on their elections. She commended committee members and staff for the streamlining of the Yorktown design guidelines, stating they produced a document that the majority of the residents can live with. She also applauded Mr. McReynolds and the department directors who enumerated for the Board in one document all the efficiencies of the staff over the past year. She particularly noted how pleased she was to see how much staff time has been saved by use of the internet by our staff, citizens, and business people. These efficiencies translated in a savings of over \$1 million. Mrs. Noll then addressed the State budget, stating in order to present a balanced budget, the Governor has introduced some belt-tightening directives, but he has also introduced some one-time fixes. She stated the General Assembly has to address Virginia's tax structure to solve the real problems, or local government will be left holding the bag. This Board of Supervisors has to make difficult decisions, and it must keep in mind that the decisions have to be made for the long-term common good of all citizens. Mrs. Noll stated it has been an honor and very rewarding experience to serve the citizens of District 2 and York County for the past seven years, and she looks forward to continuing her service in the coming year.

Mr. Zaremba thanked the staff and the members of the Board and Chairman Wiggins for their hard work and his guidance during 2002. He stated the crown jewel in his pick of accomplishments this past year is in on Water Street with the development of the Waterfront Project. He

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stated he looked forward to 2003 and its challenges, particularly with the challenges coming from the State concerning the budget.

Mr. Shepperd thanked Chairman Wiggins for his leadership over the past year, noting the citizens don't see a lot of the energy expended by the Supervisors, and the Chairman particularly, in representing the County. He stated it is a tremendous challenge, and Mr. Wiggins did well. Mr. Shepperd then spoke of the past year's drought, stating there would be another one at some time, and the demand for water will continue to grow. He noted the importance of the citizens contacting the Newport News Waterworks to tell them what they would like to see done in the future. Mr. Shepperd then spoke concerning the high quality of York County's law enforcement personnel and how what is seen on television shows such as "The Shield" is not reality and depicts law enforcement officers in a less than honorable and trustworthy light. He stated that in York County the Board of Supervisors and the law enforcement officials work together to do the best they can for the citizens of the County. He noted he had gone on a "ride-along" with Deputy Brian Extine on New Year's Eve, and he was very impressed at the way he handled himself in a potentially dangerous situation, which was due to not only his years of experience but the in-depth training that has been provided for him. Mr. Shepperd stated he would continue to provide his full support to York County's law enforcement personnel.

Chairman Burgett thanked the staff for provision of great customer service to County citizens. He stated the staff has raised the level to where the citizens provide praise instead of complaints. He also thanked Don Wiggins for the job he did last year as Chairman. He then noted he had a chance to read the build-out study completed by the Planning Division, which is outstanding. Anyone who wants to know about how large the County's population is going to be and what the build-out will be needs to get a copy of the study to read. Chairman Burgett stated he was very proud to be a member of this Board, that it has accomplished a lot and made a lot of bold leadership moves that have paid dividends in economic development and sound administration. The County will be able to keep its tax rate low because of some of the development that has taken place. He noted there is much more to do, especially with the uncertainty of the State budget and its impact on York County. The County is fortunate in that the Board and staff has built a very strong framework in being wise with the County's dollars. The County's financial stewardship is exceptional, and the Board will do everything possible to keep the quality of life high and maintain services. He then spoke of some important issues coming up such as senior housing.

Meeting Adjourned. At 7:52 p.m. Chairman Burgett declared that the meeting be adjourned to 7:00 p.m., Tuesday, January 14, 2003, in the Library of Tabb Middle School for the purpose of conducting a joint meeting with the York County School Board.

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James O. McReynolds, Clerk  
York County Board of Supervisors

James S. Burgett, Chairman  
York County Board of Supervisors